

## United States District Court

SOUTHERN

DISTRICT OF  
McALLEN DIVISION

TEXAS

UNITED STATES OF AMERICA

V.

## CRIMINAL COMPLAINT

Yolanda Albeza Munoz  
A206 232 664

YOB:

PRINCIPAL  
1983

United States Citizen

Case Number:

M-13-1731-M

United States District Court  
Southern District of Texas  
FILED

SEP 22 2013

(Name and Address of Defendant)

Clotilde Munoz

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 20, 2013 in Starr County, in the Southern District of Texas defendants(s) did,  
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Eulogio Gonzalez-Diaz and Macario Alberto Cruz-Soriano citizens of Mexico and five (5) other undocumented aliens for a total of seven (7), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Roma, Texas to the point of arrest near Roma, Texas.


in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On September 20, 2013, at approximately 5:00 p.m., Rio Grande City Border Patrol Agent M. Benavides and F. Orellana were driving west on Highway 83 when they noticed a black Jeep SUV at the intersection of Matamoros Avenue and Highway 83 in Roma, Texas. The Jeep was traveling northbound on Matamoros Avenue and disregarded the stop sign for Highway 83. The Jeep almost collided with a vehicle that was traveling west on Highway 83, making no attempt to stop to avoid oncoming traffic. The Jeep continued traveling northbound on Matamoros Avenue. Matamoros Avenue is a well-known route of travel for illegal immigrants into the United States. This area is also approximately 3 blocks north of the Rio Grande River.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No
  
 Signature of Complainant

Sworn to before me and subscribed in my presence,

Derek Conrow Senior Patrol Agent  
Printed Name of Complainant

September 22, 2013  
Date

at McAllen, Texas  
City and State

Dorina Ramos, U. S. Magistrate Judge  
Name and Title of Judicial Officer

  
 Signature of Judicial Officer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

**ATTACHMENT TO CRIMINAL COMPLAINT:**

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**RE: Yolanda Albeza Munoz**

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**CONTINUATION:**

As agents began to follow the vehicle, they immediately noticed that the vehicle was riding extremely low. They also noticed that there were two subjects riding unsafely in the cargo area of the vehicle that is not designed to hold passengers. The two subjects in the cargo area were trying to avoid being seen. There were also five passengers in the middle seat of the vehicle. One of the passengers was a baby that was being held in the arms of a female without the proper safety seat. The vehicle by design is manufactured to hold only five occupants; there were a total of nine occupants. Agent M. Benavides conducted a vehicle registration check and preformed a vehicle stop to determine the immigration status on the passengers. The driver, Yolanda Albeza Munoz and passenger were determined to be United States Citizens. The seven passengers were determined to be undocumented aliens. All subjects were then transported to the Rio Grande City, Texas Border Patrol Station.

Once the station, agents were able to get two material witnesses that could identify and implicate Yolanda Albeza MUNOZ as the driver and person who told them to get into the vehicle. There were no charges sought on the USC passenger and she was subsequently released.

There was a 3 year old baby accompanied by the mother and one 16 year old unaccompanied minor within the group.

**PRINCIPAL STATEMENT:**

Once at the Border Patrol Station, Yolanda Albeza MUNOZ was advised of her Miranda Rights by Border Patrol Agent M. Benavides. MUNOZ signed the form stating that she understood her rights and was willing to provide a sworn statement without the presence of an attorney.

MUNOZ stated that she instructed a lady with a baby that she saw at the intersection of Portsheller Steet and Gardfield Avenue in Roma to get in the truck. She stated that she felt sorry for her and told her to get in. Suddenly, more subjects came out of nowhere and they also got inside her vehicle. MUNOZ stated that she was aware that all the subjects were undocumented aliens and that it was illegal to transport them. MUNOZ also stated that once all the subjects were inside her vehicle she began to drive away.

Records checks for MUNOZ revealed that on June 30, 2004, she was convicted of Possession of Marijuana <=50lbs>5lbs and sentenced to 2 years probation.

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**MATERIAL WITNESS STATEMENT:**

Once at the Border Patrol Station, both of the material witnesses were advised of their Miranda Rights in their preferred languages. Both verbally stated that they understood their rights and were willing to provide a statement without the presence of an attorney.

Eulogio GONZALEZ-Diaz stated that he paid a smuggler in Miguel Aleman, Mexico approximately \$1,300 out of the \$4,000 in smuggling fees to be smuggled to New York. GONZALEZ stated that he was smuggled across the Rio Grande River illegally on September 20, 2013, with six other individuals and one guide. After they were smuggled across the river, they walked to a road. They were waiting by the road and a female driver stopped right in front of them and told them to get in. All seven of them got into the Jeep and he sat behind the driver. The driver failed to stop at a stop sign. GONZALEZ was able to identify Yolanda Albeza MUNOZ in a photo line-up as the driver of the Jeep.

Macario Alberto CRUZ-Soriano stated that he made smuggling arrangements at a bus station in Mexico. He paid the smugglers approximately \$1000 and was to pay an additional \$4000 in smuggling fees to be smuggled to Oklahoma. CRUZ stated that he was smuggled across the river into the United States on September 20, 2013. After they were smuggled in the U.S. the foot guide told them that a vehicle was going to pick them up. Once the vehicle arrived, the guide told them to run up the street and get into the vehicle. The driver told him to sit in the very back of the vehicle and hide. They got stopped shortly after. CRUZ was able to identify Yolanda Albeza MUNOZ in a photo line-up as the driver of the Jeep. MUNOZ further stated that the driver was driving fast